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OFFICE OF PETITIONS

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NEW YORK, NY 10001-7708

In re Patent No. 7,056,710	:	DECISION REGARDING PTA and
Issued: June 6, 2006	:	NOTICE OF INTENT TO ISSUE
Application No. 09/836,705	:	CERTIFICATE OF CORRECTION
Filed: April 17, 2001	:	
Atty. Dkt. No.: 01149/HG	:	

This decision is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN AN ISSUED PATENT (37 CFR §1.705(d))," filed June 27, 2006.

The application for patent term adjustment (PTA) under 37 CFR 1.705(d) is hereby **GRANTED**. The Office will *sua sponte* issue a certificate of correction reflecting this decision. The Office will also adjust the PAIR determination to reflect 78 additional days of PTA to applicant.

The above-identified application matured into U.S. Patent No. 7,056,710 on June 6, 2006. The patent issued with a PTA of 218 days. The instant application for PTA was timely filed June 27, 2006. Patentees argue that the adjustment of 377 days was improperly reduced 78 days in connection with a drawing submission on March 21, 2006.

Review of the application history reveals that at the time of issuance, an adjustment 377 days could be attributed to the Office in accordance with 37 CFR 1.702.

The adjustment of 377 days was properly reduced 81 days under 37 CFR 1.704 for failures to engage in reasonable efforts to conclude prosecution.

The adjustment of 377 days was improperly reduced 78 days, as argued by patentees, relative to the drawing submission on March 21, 2006. After the mail date of the notice of allowance, the Office requested that patentees submit a courtesy copy of two of the drawings that were originally filed on April 7, 2001. In that patentees were merely providing the same drawings as initially filed, the submission of such drawings on March 23,

2006 is not considered a failure to engage in reasonable efforts to conclude prosecution of the application. If patentees had made any changes to such drawings, then patentees would have failed to engage in reasonable efforts to conclude prosecution of the application under 37 CFR 1.704(c)(10).

Therefore, at the time of issuance, the patent was entitled to an adjustment of 296 days, as argued by patentees.

Receipt is hereby acknowledged of the required application fee of \$200.00.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 296 days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Draft Certificate of Correction
 Adjusted PAIR calculation

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,056,710 B2

DATED : June 6, 2006

INVENTOR(S) : Abe, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 218 days

Delete the phrase "by 218 days" and insert – by 296 days--

Day : Monday
Date: 8/21/2006


PALM INTRANET

Time: 10:54:33

PTA Calculations for Application: 09/836705

Application Filing Date:	04/17/2001	PTO Delay (PTO):	377
Issue Date of Patent:	06/06/2006	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	159
Post-Issue Petitions:	0	Total PTA (days):	296
PTO Delay Adjustment:	78		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
108	08/21/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	78		
103.5	05/17/2006	PTA 36 MONTHS			
103	06/06/2006	PATENT ISSUE DATE USED IN PTA CALCULATION	130		90
102	05/11/2006	EXPORT TO FINAL DATA CAPTURE			
101	05/08/2006	FINISHED INITIAL DATA CAPTURE			
100	05/08/2006	DISPATCH TO FDC			
99	03/21/2006	MISCELLANEOUS INCOMING LETTER		0	
98	03/21/2006	WORKFLOW - DRAWINGS FINISHED		78	
97	03/23/2006	WORKFLOW - QUERY REQUEST - FINISH			
96	03/22/2006	RECEIPT INTO PUBS			
95	03/22/2006	RECEIPT INTO PUBS			
94	03/22/2006	RECEIPT INTO PUBS			
93	03/16/2006	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
92	03/13/2006	WORKFLOW - QUERY REQUEST - BEGIN			
91	01/20/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
90	09/27/2005	ISSUE FEE PAYMENT VERIFIED			
89	11/09/2005	SEQUENCE FORWARDED TO PUBS ON TAPE			
88	09/27/2005	ISSUE FEE PAYMENT RECEIVED			
87	07/11/2005	EXPORT TO INITIAL DATA CAPTURE			
86	07/12/2005	RECEIPT INTO PUBS			
85	07/12/2005	RECEIPT INTO PUBS			
84	07/12/2005	RECEIPT INTO PUBS			
83	07/01/2005	MAIL NOTICE OF ALLOWANCE			
82	06/27/2005	ISSUE REVISION COMPLETED			

81	06/27/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
80	06/27/2005	NOTICE OF ALLOWABILITY			
79	04/29/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
78	04/19/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		8	67
76	03/26/2002	PRELIMINARY AMENDMENT			
75	02/12/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
74	10/25/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
73	10/25/2001	PRELIMINARY AMENDMENT			
72	04/17/2001	PRELIMINARY AMENDMENT			
71	04/25/2005	DATE FORWARDED TO EXAMINER			
70	04/18/2005	SUPPLEMENTAL RESPONSE			
69	04/22/2005	CORRESPONDENCE ADDRESS CHANGE			
68	04/21/2005	DATE FORWARDED TO EXAMINER			
67	04/11/2005	RESPONSE AFTER NON-FINAL ACTION			
66	01/13/2005	MAIL NON-FINAL REJECTION			
65	01/10/2005	NON-FINAL REJECTION			
64	10/08/2004	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
63	11/08/2004	DATE FORWARDED TO EXAMINER			
62	10/08/2004	SUPPLEMENTAL RESPONSE		21	55
61	10/21/2004	DATE FORWARDED TO EXAMINER			
60	10/08/2004	SUPPLEMENTAL RESPONSE			
59	10/08/2004	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
58	10/08/2004	WORKFLOW INCOMING AMENDMENT IFW			
57	02/12/2002	REFERENCE CAPTURE ON IDS			
56	09/30/2004	DATE FORWARDED TO EXAMINER			
55	09/17/2004	RESPONSE AFTER NON-FINAL ACTION			
54	09/17/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
53	09/17/2004	WORKFLOW INCOMING AMENDMENT IFW			
52	07/15/2004	MAIL NON-FINAL REJECTION			
51	07/07/2004	NON-FINAL REJECTION			
50	05/06/2004	DATE FORWARDED TO EXAMINER			

49	04/28/2004	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
48	05/06/2004	DATE FORWARDED TO EXAMINER			
47	04/28/2004	REQUEST FOR CONTINUED EXAMINATION (RCE)		12	24
46	05/06/2004	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
45	04/28/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
41	04/28/2004	WORKFLOW INCOMING AMENDMENT IFW			
40	04/28/2004	WORKFLOW - REQUEST FOR RCE - BEGIN			
39	04/22/2004	MAIL ADVISORY ACTION (PTOL - 303)			
38	04/21/2004	ADVISORY ACTION (PTOL-303)			
37	04/19/2004	DATE FORWARDED TO EXAMINER			
36	04/08/2004	AMENDMENT AFTER FINAL REJECTION			
35	04/14/2004	WORKFLOW INCOMING AMENDMENT IFW			
34	04/16/2004	DATE FORWARDED TO EXAMINER			
33	04/13/2004	AMENDMENT AFTER FINAL REJECTION			
32	04/08/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	04/08/2004	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
30	04/16/2004	DATE FORWARDED TO EXAMINER			
29	04/08/2004	AMENDMENT AFTER FINAL REJECTION			
28	04/13/2004	WORKFLOW INCOMING AMENDMENT IFW			
27	04/08/2004	WORKFLOW INCOMING AMENDMENT IFW			
26	03/18/2004	PETITION DECISION - DENIED			
25	10/08/2003	PETITION ENTERED			
24	01/16/2004	MAIL FINAL REJECTION (PTOL - 326)			
23	01/12/2004	FINAL REJECTION			
22	10/29/2003	DATE FORWARDED TO EXAMINER			
21	10/08/2003	RESPONSE AFTER NON-FINAL ACTION		40	18
20	10/08/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
19	06/10/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	05/29/2003	MAIL NON-FINAL REJECTION			
17	05/28/2003	NON-FINAL REJECTION			
16	03/24/2003	DATE FORWARDED TO EXAMINER			

15	03/12/2003	RESPONSE TO ELECTION / RESTRICTION FILED			
14	02/19/2003	MAIL RESTRICTION REQUIREMENT	247		-1
13	02/14/2003	REQUIREMENT FOR RESTRICTION / ELECTION			
12	09/28/2002	CASE DOCKETED TO EXAMINER IN GAU			
11	07/01/2002	APPLICATION DISPATCHED FROM OIPE			
10	06/28/2002	APPLICATION IS NOW COMPLETE			
9	10/25/2001	TRANSLATION OF CLAIMS INTO ENGLISH			
8	10/25/2001	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
7	10/25/2001	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
6	10/11/2001	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	06/10/2002	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
4	10/09/2001	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	10/05/2001	CORRESPONDENCE ADDRESS CHANGE			
2	04/29/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	04/17/2001	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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